

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

2010 JUN 15 PM 3: 57

DEPUTY CLERK pl

BILLY JOE ELMORE,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:09-CV-0304

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court a petition for a federal writ of habeas corpus. On May 27, 2010, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant habeas application be dismissed without prejudice for failure to exhaust state remedies. Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the petition for a writ of habeas corpus is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

ENTERED this 15<sup>th</sup> day of June 2010.

Mary Lou Robinson  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE